

REMARKS

Reconsideration of the present application is respectfully requested. No claims have been amended or canceled. Claims 1-65 are currently pending.

In the Response To Arguments section on page 2 of the Office Action, it is asserted that column 9, line 62 to column 10, line 1 of Weinstein teaches the step of "encrypting a user-entered reminder using the non-verifiable personal identifier" and that that column 9, lines 64-65 of Weinstein teaches the step of "storing the encrypted data and the encrypted user-entered reminder in the memory." The Office Action further asserts that the claims as currently presented do not require a step of a user entering a specific reminder and that the term "user" as employed in the claims gives no indication as to the function of that person. The Office Action still further asserts that "a reminder such as 'AMERICANEXPRESS' can be considered a user-entered reminder because it is clearly not a random reminder and thus at some point a user must have entered 'AMERICANEXPRESS' as the reminder." As further discussed below. Applicant respectfully submits that the claims of the present application distinguish over the art of record.

The Office Action indicates that the application has been filed with informal drawings which are acceptable for examination purposes only. The Office Action further indicates that formal drawings will be required when the application is allowed. Applicant will submit formal drawings upon allowance of the application.

Claims 1-14, 16-22, 24-35, 37-41, 43-56, and 58-64 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,712,912 to Tomko ("Tomko") in view of U.S. Patent No. 4,453,074 to Weinstein et al. ("Weinstein"). Regarding independent claims 1, 24, and 43, the Office Action asserts that Figure 6A and column 4, lines 6-11 of Tomko teach "encrypting of data using a non-verifiable personal identifier and the storing of encrypted data in memory." The Office Action further asserts that Figure 6B and column 4, lines 17-27 of Tomko teaches that "the stored data can only be correctly decrypted using the non-verifiable personal identifier." The cited portions of Tomko describes generating a PIN, encrypting the PIN with fingerprint-related information, and storing the encrypted PIN. Figure 6A of Tomko illustrates encrypting a PIN with biometric information and storing the encrypted PIN in a storage means. Figure 6A of Tomko further illustrates generating an encryption key from the PIN, encrypting confidential information using the encryption key, and storing the encrypted confidential

information. The Office Action acknowledges that Tomko fails to teach "the encrypting and storage of a reminder along with the data."

The Office Action asserts that column 9, line 62 to column 10, line 1 and column 4, line 14 to column 5, line 2 of Weinstein teaches the "encryption of a user-entered reminder" and "the storage of the user-entered reminder in memory." Weinstein describes storing a concatenation of a user-selected secret password and a reference text "AMERICAN EXPRESS", encrypted together under control of an issuer's private key, in a card. Weinstein describes the reference text as being common for all cards of a particular issuer. Weinstein further describes that upon insertion of the card into a terminal, the user's identification number is decrypted into two strings consisting of the password and the text "AMERICAN EXPRESS" using a public key stored in the terminal. Weinstein further describes that the terminal then requests the user to input his secret password, and compares the secret password and the universally-used reference text with the two parts of the decrypted identification number. Only if the two parts match does the terminal proceed to effect a transaction.

Applicant respectfully disagrees with the assertions made in the Office Action. In particular, independent claim 1 includes the steps of encrypting data using a non-verifiable personal identifier and encrypting a user-entered reminder using the same non-verifiable personal identifier. Applicant respectfully submits that neither Tomko nor Weinstein, alone or in combination, teach or suggest these features of independent claim 1. The Office Action further asserts that it would have been obvious to "utilize Weinstein's encrypted reminder because it offers the advantage of making it more difficult for a forger to perform cryptanalysis on the password or encrypted data." Applicant respectfully disagrees. Weinstein teaches using a single encryption operation to encrypt a concatenated string consisting of a secret password and universally-used reference text and asserts that such an operation increases protection against forgery. Tomko contains no teaching or suggestion of the use of or a need for a user-selected password. Thus, Applicant respectfully submits that there is no teaching or suggestion in Tomko that would lead one skilled in the art to seek out the teachings of Weinstein, which describes combining a user-selected password with a universally-used reference text, and combine them with the teachings of Tomko. Applicant respectfully submits that it would not have been obvious to one of ordinary skill to combine the teachings of Tomko and Weinstein to arrive at the invention of independent claim 1.

Further, in contrast to the teachings of Weinstein, the present invention as in claim 1, provides for separately encrypting data and a user-entered reminder using the same non-verifiable personal identifier such that after decrypting the data and the user-entered reminder, the decrypted reminder provides an indication that the data was correctly decrypted. Applicant respectfully submits that neither Tomko nor Weinstein teach or suggest these features. Accordingly, even if a motivation to combine the teaching of Tomko and Weinstein were to exist, the combination of Tomko and Weinstein would not arrive at the invention of independent claim 1. For at least the foregoing reasons Applicant respectfully submits that independent claim 1 distinguishes over Tomko in view of Weinstein and requests that the 35 U.S.C. 103(a) rejection of independent claim 1 be withdrawn.

Independent claim 24 includes the feature of at least one processor configured to "encrypt the data using a non-verifiable personal identifier" and "encrypt a user-entered reminder using the non-verifiable personal identifier." Independent claim 24 further includes the feature of "wherein the stored encrypted data and the stored encrypted reminder can only be correctly decrypted using the non-verifiable personal identifier, wherein a correctly decrypted reminder provides an indication of correctly decrypted data." Independent claim 43 includes the features of instructions carried on at least one carrier which cause at least one processor to operate so as to " encrypt the data using a non-verifiable personal identifier"; "encrypt a user-entered reminder using the non-verifiable personal identifier"; and "store the encrypted data and the encrypted user-entered reminder in the memory", "wherein the stored encrypted data and the stored encrypted reminder can only be correctly decrypted using the non-verifiable personal identifier, wherein a correctly decrypted reminder provides an indication of correctly decrypted data." For similar reasons as those discussed with respect to independent claim 24 and 43, Applicant respectfully submits that independent claim 24 and 43 distinguish over Tomko in view of Weinstein and requests that the 35 U.S.C. 103(a) rejections of independent claims 24 and 43 be withdrawn.

Claims 2-14, 16-22, 25-35, 37-41, 44-56, and 58-64 are dependent upon and include the features of their respective independent claims 1, 24, and 43. For at least the reasons as discussed with respect to independent claims 1, 24, and 43, Applicant respectfully submits that claims 2-14, 16-22, 25-35, 37-41, 44-56, and 58-64 distinguish over Tomko in view of

Weinstein and requests that the 35 U.S.C. 103(a) rejection of claims 2-14, 16-22, 25-35, 37-41, 44-56, and 58-64 be withdrawn.

Claims 15, 23, 36, 42, 57, and 65 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tomko and Weinstein as applied to claims 8, 16, 31, 37, 50, and 58, and further in view of U.S. Patent No. 6,088,450 to Davis et al. ("Davis"). Claims 15, 23, 36, 42, 57, and 65 are dependent upon and include the features of their respective independent claims 1, 24, and 43. As previously discussed, independent claims 1, 24, and 43 distinguish over Tomko and Weinstein. Column 6, lines 20-25 of Davis describes an authentication system which includes imposing a time delay before one can access a node if an incorrect password has previously been entered. Applicant respectfully submits that Davis contains no teaching or suggestion of the aforementioned distinguishing features of independent claims 1, 24, and 43. Applicant respectfully submits that claims 15, 23, 36, 42, 57, and 65 distinguish over Tomko and Weinstein in further view of Davis and requests that the 35 U.S.C. 103(a) rejection of claims 15, 23, 36, 42, 57, and 65 be withdrawn.

In view of the above remarks, applicant believes the pending application is in condition for allowance and such a notice is respectfully requested.

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Respectfully submitted,

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